



**State of Rhode Island and Providence Plantations
Water Resources Board**
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MINUTES OF BOARD MEETING # 450
May 9, 2006

Members Present:

Daniel W. Varin, Chairman
Frank Perry
June Swallow*
Michael Walker*
Jon Schock
William Stamp, III
Dr. Michael Sullivan
Ian Morrison

Members Absent:

Robert Griffith
William Penn, V. Chairman

*Member designee

Staff Present:

Juan Mariscal
Kathleen Crawley
Beverly O'Keefe
William Riveroso
Elaine Maguire
Rob Christina
Romeo Mendes
Tracy Shields

Guests:

Sharon Barr, Lead Safe Inspections
Al LaFazia, Sheriffs
Gary Lonergan, Sheriffs
Patrick McQuade, Cardi Construction
Stephen Cardi, Cardi Construction
Chantale Edouard, House Finance
Evan Matthews, Quonset Development Corporation
Harold Ward, Coalition for Water Security
Jane Austin, Save the Bay/Water Security Coalition

1. CALL TO ORDER

With a quorum present, Chairman Varin called the meeting to order at 12:10 P.M.

2. APPROVAL OF MINUTES:

Mr. Stamp moved approval of the minutes of the April meeting with a second by Mr. Schock. This motion carried unanimously.

3. CHIEF BUSINESS OFFICER'S REPORT

Mr. Schock noted that this report was significantly different than the one which the members had received with their packages. (Updated reports had been distributed to the membership at the beginning of today's meeting.) The primary reason was that the surcharge receipts from Providence had been updated bringing the variance for the year from a negative to a positive of \$285,000. The Finance Committee did review and approve the updated report, so Mr. Schock moved approval with a second by Dr. Sullivan. The motion was approved unanimously.

4. CHAIRMAN'S REMARKS

Chairman Varin reported that it had been a busy month. He stated that he had sent letters to the committee chairs and the sponsors transmitting the Board's positions on 2 bills that were taken as reported in the minutes of the last meeting: S-2941 Authorizing Health Department regulation of cross connections, which the Board supported, and S-2998 on Security of Water Supplies on which the Board took no position. We received a request from Representative Eileen S. Naughton regarding financial support for the monitoring program proposed by the Bay, Rivers and Watersheds Coordination Team, and Mr. Mariscal did some research and discovered that a surcharge on waste water discharge would cost users about \$3 per year. We passed this information on to Representative Naughton and we

have received no response as yet. It is not exactly the same as the surcharges that we impose on water deliveries since individuals are not individually metered for wastewater disposal. Therefore, an alternative method would have to be devised, but this does not appear to be a great obstacle.

Mr. Mariscal and Chairman Varin met with Frank Perry and Tim Brown of the Kent County Water Authority on April 14 to discuss possible responses to water needs in their service area, and we determined that there are no quick solutions. By way of aggravating that situation, there was an article in last Sunday's *Providence Journal* (copies were distributed to members) about the tremendous development in progress at the Centre of New England. Ms. Crawley, Ms. O'Keefe and Chairman Varin attended part of a conference at Roger Williams University on April 20 regarding water resources and water related emergency management. Mr. Mariscal and Dr. Sullivan were both on a panel discussing protection of water. Another conference is coming up on Friday to be conducted by GrowSmart RI. The topic will be the new state land use plan. (The Chairman noted his belief that although the conference was only 3 days off, he believed there was still time to registration although perhaps at an increased cost.) He concluded by stating that he had heard nothing from the Senate about confirming his reappointment to the Board. Mr. Morrison had not heard regarding his appointment either.

4. GENERAL MANAGER'S REPORT

Mr. Mariscal concurred with the Chairman's statement that much had been happening. He noted that the Separation of Powers legislation had been going back and forth from House to Senate and most recently there had been some amendments made on the House floor, which approved minor language changes, but no substantive changes. This has now been sent back to the Government Oversight Committee on the Senate-side for discussion.

With regard to Board staffing, we have been without a financial officer for a couple of months now. The position was advertised, posted, interviews were conducted and Mr. Mariscal had made an offer to a candidate. There would be a meeting later today with the candidate to finalize the deal. In the meantime, Ms. Crawley has been filling in and doing a great job.

During the month, there were many activities in the Big River Management Area as always. We had an incredible event as part of the Earth Day clean up activities; there were approximately 70 tons of tires removed, much trash and debris. There is much organization by the various groups involved. The West Greenwich Conservation Commission, the Coventry Conservation Commission, the RI and NE Mountain Bikers Association, and all the other groups involved did a tremendous job.

We are working closely with a number of groups and some have action items on today's agenda. The National Guard is going to assist us by taking down 5 houses, which is a blessing as we do not want vacant houses sitting unattended on the property. Later today you will hear about the lead inspections that have been and are being conducted. This is a very important task and the Board will have to deal with it in the near future.

In regard to some educational activities, we are working with the Coalition for Water Security and DEM on the development of an education booklet on water. We will be paying the cost of printing the booklet as will other groups.

We are in the process of revising our website to make it more user friendly.

Additionally, the drought committee has also been very active. They met a few weeks ago. The conclusion at that time was that we needed more information. They are meeting later this week to review the data through the month of April and even with the recent and predicted rains, Mr. Mariscal is not hopeful that we are exiting a dry spell. This is something we will watch closely and continue to work with the drought committee.

Office space, as you know, everyone else has moved out of the building and we are the only ones remaining. We have been working with State Properties to find other office space. We have received approval from the State Properties Committee to go forward with a request for proposals for office space. We will work with property management staff to develop that request for proposals. Now it is somewhat put on hold as we are reviewing many legal issues associated with the lease for this building. Although we have no new location, we do have another 2 years remaining on this lease.

As you will hear from the committee chairs on the Big River project, we are making substantive progress, but much remains to do. We had scheduled a meeting during April between the water suppliers and the Coalition for Water Security. Unfortunately, the water suppliers could not make it, and we had to reschedule. The activity here is to

identify areas on which the two groups agree, and try to develop some programs and address some of the issues associated with said agreement. There are areas on which they do not agree, but we would like to move forward on some issues where there is agreement.

Regarding the clean up in the Big River Management Area, Mr. Perry added that there were over 150 volunteers also working on the cleanup. He made a motion to express the Board's appreciation to all these volunteers for the effort they made and the work they do; with a second by Mr. Schock, this motion carried unanimously.

Chairman Varin also alerted the members that this building does not meet current fire code requirements.

5. COMMITTEE REPORTS AND ACTION ITEMS RESULTING

A. Public Drinking Water Protection Committee—Chair Robert Griffith

(1) Groundwater Protection/Acquisition Program:

- a. Project Well Site RIW 336 – Request to Expend Funds for Additional Well Drilling and Testing – Request for Approval

Mr. Perry this was a request to expend funds for additional well drilling and testing on well site, RIW-336. This is a well site that is on Heaton Orchard Road. The original well site for this location was a little off the site, which would have involved property of 3 separate land owners. We now have a site that is on a location which would involve only one cooperative land owner.

In response to a question from the Chairman, Mr. Mariscal clarified that this was a request to go forward with a request for proposals. Mr. Mariscal continued that Route 138 was to the north, Route 2 was to the east, and the Richmond Airport is to the immediate northwest.

Mr. Schock inquired as to whether there was a purchase and sale agreement. His concern was the possibility of the owner reneging after the Board had expended these funds to drill and test the well. Mr. Mariscal explained that both Ms. Primiano (DEM appraiser) and Mr. Riverso (Board Project Officer) had met over time with the owners and that the current proposal appears acceptable to these owners. However, there was nothing in writing as yet.

Dr. Sullivan stated that this area was southwest of the golf course, north of much sod, east of much sod, and southwest of much sod, and in an area where some of our geological monitoring surveys show modestly increasing nitrate levels in surface groundwater. Also, the queen beaver has periodically constrained flow. Therefore, Dr. Sullivan asked if the Board was investigating in a higher risk area. He wanted to know how much linkage staff had to the quantity/quality data. Mr. Mariscal stated that staff had some data in hand, but there were a number of projects/activities that come into play: 1) we are working with USGS on the Pawcatuck River basin, which is nearing completion. This will look at what these wells can yield and what the impacts are in that area. Also, what was done with the original well, which is off this property and slightly to the southeast, indicated a certain yield of a certain water quality, etc. Mr. Mariscal explained that his interest in moving the location is to confirm that we will get the same sort of yield as well as determine what the water quality issues are here. Ms. Scott had pointed out to the committee last week that about a half mile to a mile south of this area there were high nitrate levels in the individual groundwater wells. This is a valid concern, but it is downstream, and there are some land uses in the area that could identify some issues. However, we are trying to identify some sites where long-term opportunities exist. Mr. Mariscal also noted his belief that from a drinking water perspective, nitrates are relatively easily removed or at least reduced. No doubt more information will be needed to determine the viability of this location. Chairman Varin noted the difficulty of finding sites that did not present one or more of these issues.

Dr. Sullivan explained that he raised the issue as it is an item of concern regionally. He explained that ¼ to ½ mile to the north, there is a low/moderate housing project that has profound water supply issues. Clearly there is an interest—it is not just agriculture. There has been an exceptional amount of residential housing units built in this area, and his long-term belief is the quality indications are more attributable to them than to other uses.

Mr. Mariscal noted that Board staff had worked with Eugene Pepper from DEM on water quality issues, and we are working with farmers in the area and so forth.

Mr. Perry moved approval, with a second by Ms. Swallow and the motion was approved unanimously.

B. Property Committee—Chair Frank Perry

(1) Cardi Corp. Request to Widen Section of New London Turnpike in the Big River Management Area—Request For Approval

Mr. Perry explained that this was a request from the Cardi Corporation to widen an area of the New London Turnpike within the Big River Management Area. Mr. Perry noted that at the request of the Town of West Greenwich, the Board allowed Cardi Corporation to access their new quarry site from a closed section of the New London Turnpike from management area property to avoid traffic concerns with large trucks on a heavily populated and winding section of Hopkins Hill Road. As part of that project, their operations are on-going, but there is a 500' section of this roadway, by the beaver dam, with a stream crossing the Turnpike. The beavers had built a significant dam and flooded a large area upstream of the Turnpike. At that time, the area was deemed wetlands and therefore, they were allowed—without going into a wetlands permit situation—only to grade and improve that section, but not to pave or widen it. The request now is to widen this section. They wish to install jersey barriers as a safety measure along the dam side of the roadway to avoid any possibility of the truck running off and causing damage either to the water or particularly to the beaver dam. Mr. Cardi is here and available for questions.

Mr. Card explained that the Town of West Greenwich had requested that Cardi Corporation come before the Board to request use of the New London Turnpike as an alternative route. Cardi's charge from the Board was to restore the New London Turnpike to its original grade and it's a section just shy of 2 miles. The 500' section contains a beaver dam, which is important to Cardi, the Board and DEM. It's important to Cardi Corporation because it retains water, and their operations consider water precious and they recycle their water. It's important to the Board and to DEM because of its environmental impact—it's created a whole new biodiversity of flora and fauna in the area. This particular road section is narrowed because after the beavers built the dam, it was washed out in areas from heavy rains. Cardi has restored it to its more narrow section rather than the full section. What we are requesting from the Board is permission to do whatever has to be done, including DEM permitting, to allow Cardi Corporation to put a line of Jersey barrier down the side of the beaver dam and to put a filter fabric along that barrier. This will protect the beaver dam. They have already had one truck go off the road on the beaver dam side. The other reason for this jersey barrier—other than ecological—is that if something happens to that beaver dam, there will be only one suspect in the State of Rhode Island and that will be Cardi Construction! If we can put the jersey barrier down that side and isolate the beaver dam, and restore the road to close to what it was in the original section by going on the opposite side of the road and inputting jersey barrier and use that as a soil retention to fill to that edge and then put a pavement structure—if the Board allows or DEM allows—either a pavement structure or recycled asphalt, which would be up to the Board and DEM. We respectfully request the Board to allow us to do this because it is also a safety issue.

Mr. Perry added that in this unimproved 500' section, the road is only wide enough to allow one lane of traffic. The rest of this built road is two lanes. Therefore, the second part of this request is to widen the road enough to allow for two lanes of traffic here as well. At this point, it appears obvious that this would require a wetlands permit. As the property owner of record, the Board will have to be named as the applicant on any wetlands permit. The way this would progress is that Cardi Corporation would do all of

the engineering to the satisfaction of the Board, handle all of the processing of the paperwork, etc., meeting all the requirements of DEM and the Board. Board staff would be involved in review and assisting in the submission to DEM. The first steps to be taken are a coordinating meeting between staff and Cardi and Cardi's engineer with DEM staff to initiate this project.

Mr. Perry made a motion to authorize the WRB Property Committee and staff to proceed with the application for a wetlands permit, and Mr. Schock seconded.

In response to Mr. Stamp's question, it was noted that all prior road improvements at been done at no cost to the Board, and the proposed widening would also be done at no cost to the Board. Mr. Stamp noted this will actually be benefiting the local community—at no cost to it—as a safety measure.

Dr. Sullivan noted that if Cardi Corporation would be using the Board as a shell to process the permit through DEM, that would be fine; but he wanted it clarified that if the process required more than minimal staff time, then there was, in fact, a cost to the Board. He was compelled to ask—how much time would they spend on it as every day spent on this permit would be a day lost to other Board projects. With due respect to Mr. Cardi, Dr. Sullivan would be looking for someone to pay that staff time at a minimum or to figure out how are we going to do this so that we do get to, as Mr. Stamp noted, eliminating cost to the Board.

Chairman Varin stated that whatever tasks needed to be done for this activity would be done by the staff engineer Mr. Mendes, but we have no idea of what the time requirement would be. Mr. Mariscal declared that the thinking had been that there would be an initial meeting with DEM to scope out the project and at least get to the point of determining whether or not this would be a permit-able project at which point it would be turned over to Mr. Cardi for his engineers to design and develop. He agreed with what Dr. Sullivan had said about it taking time and some resources being diverted from other projects. Even if they are constructing it perfectly, Board staff will still have to be there to inspect and ensure things are being done to satisfy the requirements of both DEM and the Board.

Mr. Perry added there would be a certain amount of time involved by the Property Committee, the property manager and by the staff engineer. He continued that Mr. Cardi could be charged for this should it become significant. Chairman Varin asked that staff involvement be documented. Mr. Perry concluded that staff time had not been excessive with the initial creation of this road.

Chairman Varin clarified that while the Board does not pay taxes to the local community, it receives a substantial amount of money from the Board for various reasons including the education of school age children residing in the Management Area and snow plowing services, etc.

Dr. Sullivan asked that Mr. Perry and Mr. Mariscal come back to the full Board if in their assessment there is any substantive commitment of time. This requirement was added to Mr. Perry's motion and Mr. Schock remained the second. The amended motion was approved unanimously.

(2) Rhode Island State Sheriff's Department Apprehension Unit—Search and Rescue Training within the BRMA. Request for Approval

Mr. Perry explained that this was a request from Sheriffs Department to do search and rescue training within the Management Area. Mr. Perry noted that the memorandum included in the Board packages had been incorrect, but all members had been sent an electronic copy of the corrected memorandum. Mr. Perry continued that Captain LaFazia had developed a search and rescue team using its own all terrain vehicles. They have been training together, and provided the committee with a demonstration, which happened to be held on the only snowy day of the last 2 months. They are very well equipped vehicles for this type of work and the sheriffs are training in various areas around the state and they are requesting permission to train in the Management Area to assist in search and rescue operations there should the need arise. They are a statewide law enforcement organization. If the Board were to allow them access, they have agreed to

accept DEM as the primary law enforcement agency within the Management Area and would operate under the guidance and direction of DEM. The training would require a maximum of one day per month. While the use of all terrain vehicles is prohibited in the Management Area, this is an enforcement vehicle. While they train, they would lend a uniformed presence in the Area. This would benefit the Board. The committee recommends allowing this training at this time subject to the development of the final land use plans for the Management Area. The committee recommends this be allowed for the sheriffs as the Board allows for the National Guard—all being subject to the guidance of the property manager. Mr. Perry so moved with a second by Mr. Stamp.

Captain LaFazia thanked the Board for its time and explained that he had approached Ms. Maguire approximately 2 months ago. He believes it's a great program and they do work with the US Marshalls on the Search and Rescue Team. Regardless of which way the vote goes, he wished to thank the Board for its time.

Mr. Perry clarified that any training done on these vehicles would only be done on existing roads and trails. The objective is for them to familiarize themselves with the area so they would be able to assist with knowledge of the Area should an emergency arise.

In response to Mr. Schock's question regarding insurance, Captain LaFazia explained that the individuals had given these ATVs to the department and they were insured as property of the Sheriffs Department.

Mr. Stamp noted the expanse of the area and how helpful it would be to have these vehicles available. Chairman Varin also noted the amount of trash illegally dumped in the area and how this presence would help alleviate that situation. Chairman Varin made note of the volunteer efforts and that despite such a good effort by the volunteers, more and more abandoned cars are being left in the Area. He noted that every time someone goes out there, more of these abandoned cars are found—being left to rust and to drip oil in the Management Area. Ms. Maguire noted that 20 vehicles and 6 boats had been removed as a result of this year's cleanup effort.

Mr. Schock asked if the Sheriffs had arresting authority and Captain LaFazia noted that they do have this as statewide authority. Mr. Mariscal stated that all would be coordinated through DEM.

Dr. Sullivan spoke to the many calls regarding personally owned ATVs, and he requested that the motion reflect that only department owned vehicles, operated by members of this sheriffs' group and full cooperation of DEM with DEM receiving prior notice of any of these activities. Mr. Mariscal added that the Sheriffs would always be in uniform for any of these events.

Mr. Walker asked if the marshals would be out in ATVs as well. Captain LaFazia explained that there was one US Deputy Marshal now certified, and there are 4 deputy sheriffs—that is the group. Mr. Walker also asked if the vehicle used by the marshal would be a sheriff's or a marshal's vehicle and was told it would be a marshal's vehicle.

This amended motion was approved unanimously.

- (3) Rhode Island National Guard Command Readiness Center, Approval to Obtain 1,000 Cubic Yards of Sand for Road Improvement at Camp Fogarty Training Center. Request for Approval

Mr. Perry stated that this was a request from the RI National Guard to obtain 1,000 cubic yards of sand for road improvements and other purposes at Camp Fogarty Training Center. Ms. Maguire explained that she had met with 7 members of the RI National Guard unit that would be working in the Management Area and one of the locations which was chosen will be a section off of Big River Road—they will be doing nothing in the gravel pit. She has a 28-member volunteer unit that will be going out tomorrow afternoon to set up the equipment in the Management Area, and in reciprocation for the material taken from the Area, they will take down 5 of the houses and get the property restored to its natural state.

She continued that there would be another unit coming into the Area on Friday and remaining through next week, volunteering their time to do other work within the Management Area as well as complete training—this will be the Special Forces Unit and an Engineering Unit. They will be using the gravel pit for some of this training. Ms. Maguire noted that this would be a win-win situation for both the National Guard and the Water Resources Board. In response to a question from Mr. Perry, Ms. Maguire noted that the sand would be coming from a gravel bank that was off of Big River Road, but not from within the gravel pit area itself.

Mr. Perry continued that approximately half of the material would be used for road improvements at Camp Fogarty, but the rest would be used by the Guard's newly acquired sand bag filling machine because projections are that the state will have some significant hurricane activity this year. The Guard will be stockpiling approximately 500 cubic yards of sand so that in the event of emergency, they will be able to fill the sand bags relatively rapidly and distribute as needed.

Mr. Perry moved approval with a second by Mr. Stamp.

Mr. Schock asked when the material was excavated, would a pit be left, would an attempt to achieve some type of grade be made, etc.? Mr. Mariscal noted that what staff had planned was to define it so that it would be only skimming the surface of a large area as opposed to digging a large hole. Mr. Schock asked if the houses to be taken down had been prepared for demolition. Ms. Maguire explained that they had been and they had also been used by the State Police for training as had the National Guard—Mr. Perry noted that these houses are very well used.

Chairman Varin noted that the amount of sand to be removed was not excessive. The motion carried unanimously.

(4) Option to Renew Coventry Pines Golf Club Lease. Request for Approval

Mr. Perry explained that this was a request to renew the lease on the Coventry Pines Golf Course. The lease itself was executed in 1999; it was a 7-year lease and within the lease is an option to renew for a second 7-year period. The request was made within the required timeframe and the lease expires at the end of this year. The Committee recommended forwarding to the Attorney General's Office for processing. This is on the agenda as an information item.

Chairman Varin asked if the only change was to the date of the lease and Mr. Perry confirmed this while explaining that the changes to the rental amounts was also built into the lease. Chairman Varin recognized the fact the tenants exercised their option to renew this lease. He added that the money received from the Coventry Pines goes toward local emergency and fire protection.

(5) Lead Abatement

Mr. Perry stated that the consultant had finished the work and the final reports were now being received on the lead study of all the properties within the Big River Management Area. Mr. Perry noted that the Board was the first state agency to complete these studies. Included in the attachment was a single report on a particular home to illustrate to the membership how the reports are done. We will receive such a report for each property. Mr. Perry noted that within a month or so, staff would be going through these reports and putting them into order and try to develop a spreadsheet for the Board to summarize the data.

The one situation that we plan to move on immediately is the nursery school. The nursery school is in excellent condition, but it has windows that no longer meet the standard. The problem with windows usually is the friction—opening and closing will create lead dust. To meet prior standards, these windows have all been sealed; they do not open. As the school classes end in 4 weeks, the Committee decided that as soon as school ends, we will go in and put in new slides (tracks) in the windows, so there is no wood on wood friction and this will resolve this issue. This is the one item that must be acted on quickly and this will give us the summer to get this done. The others will require receiving guidance from the Department

of Administration—whether there will be funding made available or if we will be tearing many of these houses down. This is a significant problem in that most of this falls under routine maintenance that in our unique lease is really the responsibility of the tenants, but since the tenants have not done it over the years, it falls back on the Board.

Ms. Barr explained that she just received the report today and that soil sampling had been done over the weekend. She explained that there were 7 windows that needed to be replaced in the school. She explained that with properties built prior to 1978, there are 2 sets of regulations we can abide by: 1) the Department of Health regulations or the new ones which went into effect last year under the Housing Resource Commission. Because all the Big River properties are quite a bit older than that, going by the Department of Health regulations would only cost the Board more money. We choose to go by the Housing Resource Commission regulations. Therefore, when we go in and do an inspection it assumes that everything in the property is lead. Chances are the exterior paint, doors, doorframes, windows are all lead—this is based on our professional experience. Making that assumption, means everything has to be kept in tact. If there is a hole in the wall—larger than a pin hole—it must be brought up to an intact condition again. Therefore, you need to scrape down whatever paint might be peeling and then repaint it. The reason you need to deal with the school now, is that there are children there—you must look at your at risk occupants, young children—6 and under, pregnant women, children 6 and under who might visit for more than 14 days per year, then it becomes a regulated facility.

By law, regulated facilities have to have a lead inspection done every year and we have to do a more in depth inspection than what we've given you today. This one was done under the Housing Resource Commission regulations just to give you an estimate on price. But, a daycare must have a comprehensive inspection and then we go in and test all of the painted surfaces with our machine. We must do that, but if we had done that first, you would have only had 30 days to act. Now you have the summer in which to bring the nursery school into compliance.

The rest of the properties must be dealt with by law, but there are no penalties built into the statute. However, liability would be the concern.

Dr. Sullivan asked if the recommendation was actually to replace all the windows, but he wondered if that were necessary as all the soil samples had come back as being lead-free. Ms. Barr reiterated that since the properties had all been built prior to 1978 that there was the assumption that lead was present. She explained that they had done a preliminary report with the school because if they had done the comprehensive report, then they would have had to provide a copy to the Department of Health and then the Board would be on a 30-day countdown to come into compliance. This will still have to be done.

As far as the remediation, she explained that was something the state had decided and it was her understanding that you can install the track and that would be sufficient. She added that there were protocols to follow. Whenever work is done in a daycare facility, it must be done by a licensed lead contractor. There are 2 different types of licenses: renovation/remodeler and contractor. The contractor is the more extensive license.

Mr. Walker noted that it might be less expensive to replace than to remediate these windows.

Ms. Barr stated because the windows cannot be opened, it has a temporary lead hazard reduction. Just know that before the next school year, it really should be remedied.

Mr. Perry moved authorizing staff to proceed with the work needed at the nursery school, and noting that we will continue with these reports on the other properties. Mr. Schock seconded and the motion carried unanimously.

Dr. Sullivan asked if we would try to recover the cost from the tenant. Mr. Perry explained that they will try. Mr. Stamp noted that it was good for the Board to take the lead as children were involved. While the

cost is modest to date, Dr. Sullivan pointed out that it would be better to confirm the presence of lead rather than to continue on the presumption of lead being present. Chairman Varin clarified that the Board was only acting with respect to the nursery school windows. He acknowledged that some of the other buildings would probably have to be demolished because of the cost of remediation.

Mr. Mariscal noted that all the leases are annual and that between now and the time the leases come up for renewal, the Board will have to do some extensive evaluation of the continued leasing of some of these properties both from lead paint standpoint as well as other issues we've discovered out there in recent weeks. It does come down to minimizing risk.

Ms. Barr made a final comment regarding the way they can test the windows. There are 2 ways to do so. We have a machine that we can take in to test it and it tells us what the level is. Once we start to get into that type of inspection, the results must be supplied to the Department of Health. Under the Housing Resource Commission, if there are **no** at risk occupants (children 6 and younger, pregnant women, or children who will visit for 14 days or more within a year), one option is to strip the windows—take them out, strip them, repaint them and reinstall them. However, if you have very old windows which still have the ropes and pulleys, despite stripping them down, the lead is in the wood. The second method of testing is to take paint chips and send them into a laboratory.

Dr. Sullivan noted his own experience in rehabbing a 150 year old home—there was no question that it would be better to remove and replace with vinyl windows. It's cleaner, quicker and you have a much better window when done.

Ms. Barr also stated regarding demolition that DEM had regulations on demolition.

C. Finance Committee—Chair William Penn

Mr. Schock noted that this committee had not met.

D. Construction, Engineering and Operations Committee—Chair June Swallow

Ms. Swallow stated this committee had not met.

E. Legislative Committee—Chair Daniel W. Varin

Chairman Varin stated the following bills were under consideration by the membership:

(1) 2006 Legislation

(a) S 3052, H 8009

Relating to Criminal Offenses – Hydrant Tampering

Recommendation – **Support**

Chairman Varin noted there was no longer a quorum present and that additional items would be for information only. He stated that this was a piece of legislation which the Providence Water Supply Board and RI Water Works had requested the Board support.

Mr. Schock added that this legislation had been submitted a couple of years ago and there was a significant change to it identifying that it would apply only to commercial entities and not to children.

Chairman Varin stated that if there was no objection since Board action could not be taken that he would write to the sponsor and to the committee chairs of both house and senate conveying our conceptual support. There was no objection.

F. Strategic Committee—Chair Daniel W. Varin

Chairman Varin noted that this committee had not met.

G. The “Big” Ad Hoc Committee—Chair Jon Schock

Mr. Schock noted that this committee had met on May 1 and been provided with a draft RFP. There was lengthy discussion regarding the RFP—specifically regarding the fact that this could be a very large project or should it be scaled back in order to fast track it and get it out for proposals. The consensus was to fast track it. We are now awaiting a new RFP from staff which should be available for our next meeting, and at that point, the committee will move it forward for advertising.

Chairman Varin and Mr. Mariscal had met with the Governor’s Chief of Staff and while he did not commit, he thought that the money would be made available. Mr. Mariscal added that the Budget Office was now also aware of this project and its potential costs.

8. NEW BUSINESS

9. OTHER BUSINESS

(1) Shad Factory Briefing—Pasquale DeLise, Executive Direct, Bristol County Water Authority

Mr. DeLise explained that last month Dewberry had given the Board a full presentation of preliminary design—30 percent design. This is progressing and in August, Dewberry will again present to the Board at the 60 percent design point.

Meanwhile Mr. DeLise has contacted that affected municipalities, and are scheduling meetings with them. The project is progressing well. Dewberry made the Board aware of some of the challenges involved with the routing of pipe, such as crossing I-195. It was also mentioned that public relations would be an issue especially with Swansea. We will be crossing state lines.

Mr. Perry asked Mr. DeLise if he had any permitting problems as yet. Mr. DeLise stated not yet, but he did expect them in the future. Mr. DeLise was sure that Bristol County Water Authority would have to do something for the communities affected as they received no direct benefit from this project. Curb to curb repaving at the least was a given.

**(2) Presentation: A Sustainable Approach to Water Supply and Use in Rhode Island—
Harold Ward, Coalition for Water Security**

Mr. Ward explained that Mr. Mariscal had asked him to speak to the Board about what the Coalition has been doing. They have issued a report to the Commission that has been Studying Kent County Water Authority. This presentation is mostly drawn from that report although not entirely. He briefly noted the members and working groups. He explained that the Coalition was started last year under the auspices of the RI Foundation. They were interested in encouraging cooperation among environmental groups and environmentally friendly groups like the Policy Council, Natural History Survey and the Expenditures Council on a project that hadn’t gotten sufficient attention from any one group. Water supply was the chosen issue. At the start, they took 3 strategies: 1) because the Kent County Water Authority hearings were underway, this seemed to offer an opportunity to participate in that process and to learn from it, and it particularly interested the Coalition because Kent County is a microcosm example of the issues that are really statewide. Our broader interest is to review this at a statewide level. From the beginning, our intention was to request a broader commission to study this question in the next legislative session.

To illustrate why we think Kent County is an example of a lot of other issues within the state, Kent County’s demand essentially doubles in the summer, it has no seasonal rates which would encourage efficient outdoor use of water during the summer, and there are not adequate funds for a conversation program. It shares sources with other suppliers, so there is an issue of allocation of water, and there is no coordination with those suppliers and no flow standards, so that has lead, in the Coalition’s opinion, to a stressed Hunt River. He continued with a PowerPoint presentation explaining that the information was taken from a USGS report on Big River. He explained that the open diamonds represented Kent County and that between April and July, it is a little more than double. The purpose of the slide was to show what happens not just in Kent County but what happens in general. What happens in most of the ground water

supply systems, which is not true so much for Providence, but it is true for many other places, so this is a microcosm of a bigger problem in our opinion. Therefore, our primary recommendation is to get this commission going for next year and have time to work on it over summer and the fall and get legislation ready that would address these 3 issues: incentives and regulations to reduce waste, and control demand—part of reducing waste is re-use of water; set protective standards for the environment, flow standards for our rivers and streams; and to coordinate management of the water systems so it's not individual action but coordinated decisions.

We learned some things from Kent County. The system and the supplies are designed for maximum demand and that maximum demand is about 90 percent higher than the average—almost double. So you have a lot of expenses in infrastructure to deal with that demand, and 78 percent of that demand is the residential sector and it is primarily outdoor water use. The logic which follows that is that if you don't control the use of potable water that is being used to grow grass, you are not going to deal with the problem. It's not just that it is a part of the problem—it is the major part of the problem.

Kent County has an excellent water conservation plan and the Coalition believes it has all of the characteristics that it needs to do a very good job, but there is no money to implement it. Even the simple beginning of a newsletter was not allowed by the PUC. Our recommendation is that the PUC should be instructed to allow these kinds of funds—in every case where a water conservation plan has been approved by this Board. Mr. Ward then gave some examples that are included within the Kent County plan, noting that Mr. Brown, General Manager of the Kent County Water Authority, was enthusiastic about these things, but there were no funds to implement the plan. It is the recommendation of the Coalition to the Commission that this is something to which the Legislature needs to attend.

The second thing the Coalition noticed with Kent County is that the Hunt River is really being heavily used and in the opinion of the Coalition it is being overused for water supply. Last August, flow dropped to 7/10 of mgd and while it was a dry August, it was not a drought year. The 7Q10 that you would have if there were no withdrawals from the Hunt River is calculated by USGS to be 4.4 mgd. If you look back over 60 years, August and September flows are below that 7Q10 at that time. The only reason they should be down there are in the really dry years. Generally, the 7Q10 is not a protective standard for aquatic systems. So, the Hunt River is really getting pounded. Our finding is that it is certainly stressed—there are no standards. DEM's practice has been to not set standards unless there is a proposal for a new well. However, we think the DEM is the agency to set the standards and there really needs to be some, if not long term ones, at least interim ones to give some guidance to the suppliers that pull water from the river. Right now, there is no coordination and no standards. We also recommend that this Board should—you have legal authority to identify sources that are at, or over, or approaching safe yield. Mr. Ward noted that he had today given Mr. Mariscal a petition to formally make that request.

To continue looking forward at the Hunt, Kent County is proposing to double its withdrawal, the QDC plans, with some well preparation, to triple their withdrawal. In North Kingstown, summer withdrawals have increased steadily over time. There are an increasing number of private wells for irrigation because if they can't totally irrigate on the day they want to, they put in their own well. The water is coming out of the same place and there is no coordination.

The recommendation of the Coalition to the Board is (which was also made to the General Assembly): If you believe you have the legal authority to allocate and to enforce allocation, we think you should start to do that with the Hunt River and the identification of a river being stressed is the first step. If you believe you do not have this authority or lack the ability to enforce it, we think you should request legislation that gives you that authority. You clearly have the responsibility—the question is: do you have the authority? We did not take a position on that as we think it is something the Board can decide. If you believe you do have the authority, then we think you should start allocating.

Finally, in the Big River (Mr. Ward explained that he was also serving on the Big River Ad Hoc Committee), the Coalition thinks that the DEM needs to provide the Board with a list of information that is

needed so we can tell if we can license a well. In the opinion of the Coalition, there is enough efficiency to be gained that it is hard to justify a reservoir for Big River at this time. But, we think the wells make sense. We don't think that given the price and given the impact and given the opportunity for efficiency in use that this is the time to start a reservoir. This concluded Mr. Ward's presentation.

Chairman Varin noted that the Coalition's petition would be placed on the June agenda. He also noted that at today's Finance Committee meeting it was discussed that if we have not already lost the money necessary to respond to DEM's question, then we will lose it soon because we are close to the end of the fiscal year all that money gets scooped as unneeded because it hasn't been spent. Mr. Walker noted that a request could be made to the Budget to carry this money forward, and Mr. Mariscal explained that he did have a meeting with the Budget Office scheduled.

Chairman Varin stated that he understood that the Coalition by way of legislative action would recommend a statewide commission in the coming session, and wondered if they were recommending any legislation for the current session. Mr. Ward stated they recommended legislative instruction to the PUC that they allow use of funds for conservation purposes, but he added that nothing had been drafted as they were awaiting the recommendations of the Commission. The Chairman thanked Mr. Ward for his presentation.

10. RECESS OF BOARD FOR BOARD CORPORATE BUSINESS

With no objection, Chairman Varin recessed the Board for Board Corporate business at 1:45 p.m.

11. RETURN FROM BOARD CORPORATE BUSINESS

At 2:01 p.m., the Board returned from Board Corporate business.

12. ADJOURNMENT

On a motion by Mr. Stamp, seconded by Mr. Perry, the Board unanimously voted to adjourn at 2:05 p.m.

Respectfully Submitted,

Tracy Shields
Personnel Aide

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